

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

4202-03000

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on March 15, 2010Signature Jerri PearsonTyped or printed name Jerri Pearson

Application Number

10/593,524

Filed

07/29/2008

First Named Inventor

Xin Yao

Art Unit

2441

Examiner

Ruolei Zong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 50487

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Grant Rodolph
Signature

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Typed or printed name

972-731-2288

Telephone number

March 15, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xin Yao	§	
	§	Group Art Unit: 2441
Application No.: 10/593,524	§	
	§	Examiner: Ruolei Zong
371(c) Date: July 29, 2008	§	
	§	Confirmation No.: 2772
For: METHOD AND APPARATUS FOR	§	
IMPLEMENTING SIGNALING PROXY	§	

PRE-APPEAL CONFERENCE BRIEF

Chen's invention operates in Mobile IP, which is a well-known protocol that provides communication between a correspondent node (CN), a Home Network (HN) comprising a Home Agent (HA), a Foreign Network (FN) comprising a Foreign Agent (FA), and a mobile node (MN). In Mobile IP, the MN is mobile without changing its home address (HoA), e.g. the MN can change its point of attachment from one link to another, but packets sent to the MN are always sent to the MN's HoA. The MN's HoA is a permanent IP address assigned to a MN in its home network. Specifically, when a CN sends packets to the MN, the packets comprise the MN's HoA as the destination address (DA) and are routed to the HA. The HA is aware of the FA to which the MN is connected, and forwards the packets to the FA by changing the packets' DA to the MN's Care of Address (CoA), which is the FA's address. When the FA receives the packets, it changes the DA back to the MN's address, and sends the packets to the MN. *See e.g., Chen*, ¶¶ 6, 7, & 8.

Chen fails to anticipate claims 1, 4, 11, 13, 22, and 23 because *Chen* fails to teach a signaling proxy (SP) that processes the message if **the DA of the message is different than (1) a SP address and (2) an address for which the message is intended**. Neither *Chen*'s HA nor *Chen*'s FA meet the above limitation. Specifically, *Chen*'s HA processes packets that comprise the MN's address as the DA, which is the address for which the packets are intended:

In FIG. 3a, **a packet 30 conventionally addressed to a mobile in a foreign network has** as source address 32 the IP address of CN 24; and **as destination address 34 the home address of MN 28**. FIG. 3a also illustrates payload 38 and other fields 36.

As each packet destined for MN 28 arrives at HA 26, the HA looks up the CNID and CN address mapping table to find the CNID corresponding to the source address on the packet; **the HA then replaces** the original source address with the HA address, and **the destination address with the COA of MN 28**. The HA 26 adds a CNID field 40 and an MN ID field 42, adjusts the packet checksum, and dispatches the packet [to the FA].

When the packet arrives at the FA 30 or MN 28, the CNID-to-CN table is looked up and the source address of the HA 26 is replaced by the real address of CN 24, and **the destination address is replaced with the home address of the mobile**. For FA COA mode, the MNID-to-MN table is looked up, as explained above. The checksum is adjusted and the packet is delivered to the MN 28 (for FA COA mode) or the an [sic] application (for CO-COA mode).

Chen, ¶¶ 25, 32, & 33 (emphasis added). Some of the packet features described above are summarized in the below table, where the message received by *Chen's* HA referred to as Message 1, and the message received by *Chen's* FA is referred to as Message 2.

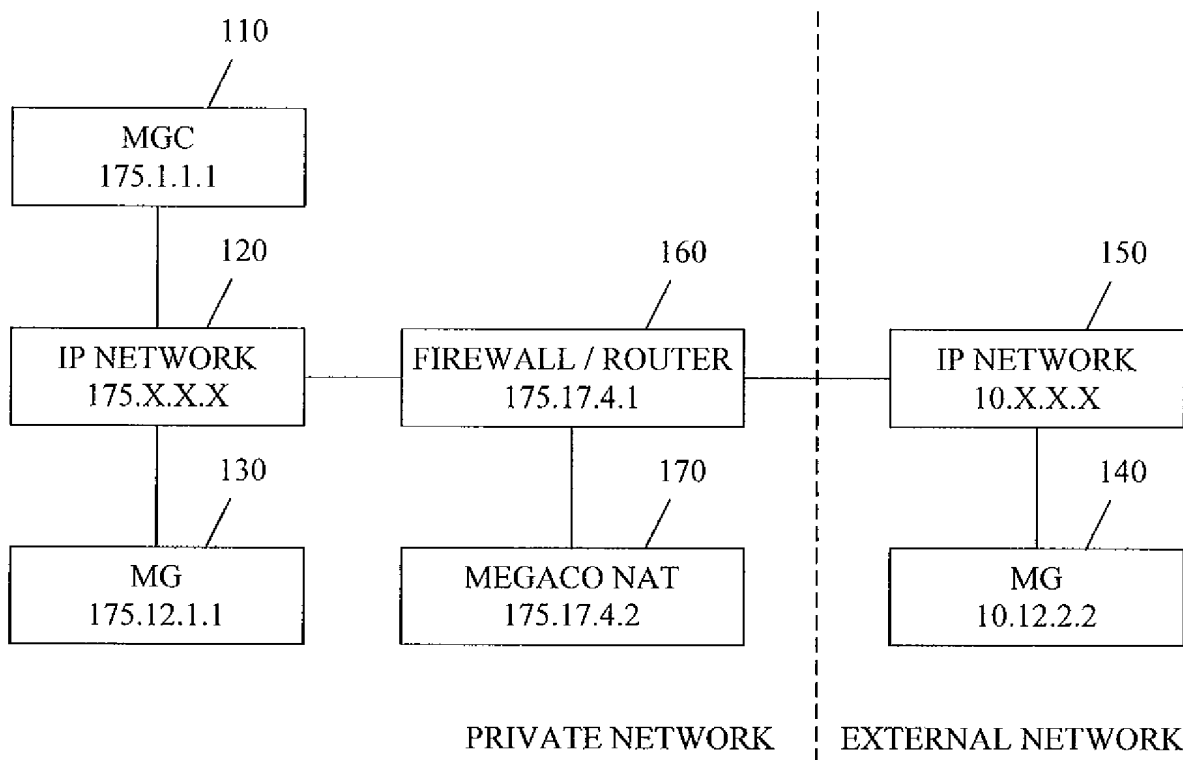
Message	Sent By	Received By	Source Address (SA)	Destination Address (DA)
Message 1	CN 24	HA 26	IP address of CN 24	HoA of MN 28
Message 2	HA 26	FA 30	IP address of HA 26	CoA of MN 28 (which is the address of FA 30)

As shown above, Message 1 is received by HA 26 and has the home address of MN 28 as its DA. While the DA of Message 1 is different from the address of HA 26 (e.g., the SP address in claims 1 and 11), **the DA of Message 1 is the same as an address for which Message 1 is intended**. Therefore, *Chen's* HA cannot be the claimed SP because *Chen's* HA does not process Message 1 that has a DA that is different than an address for which the message is intended.

Furthermore, the HA processes Message 1 such that it becomes Message 2, e.g., replacing the original source address with the HA address, and the DA with the MN's CoA. As shown in the above table, Message 2 comprises the CoA of MN, e.g., the address of FA, as the

DA. That is, the DA of Message 2 **is the same as** the address of FA (e.g., the SP address in claims 1 and 11). Furthermore, because Message 2 has the CoA of MN (address of FA) as the DA and is sent from the HA to the FA, the DA of Message 2 is the address for which Message 2 is intended. Therefore, the DA of Message 2 **is not only the same as** the address of FA (SP address in claims 1 and 11), **but also the same as** the address for which Message 2 is intended. As such, *Chen's* FA cannot be the claimed SP because *Chen's* FA **does not** process Message 2 that has a DA that is different than the address of FA (e.g., SP address in claims 1 and 11) and an address for which the message is intended. Thus, *Chen* fails to teach a SP that processes the message if the DA of the message is different than a SP address and an address for which the message is intended. As such, *Chen* fails to teach at least one element of independent claims 1 and 11, and consequently fails to anticipate claims 1, 4, 11, 13, 22, and 23.

Akman fails to anticipate claim 24 because *Akman* fails to teach a SP located between a terminal and a server, and a router located between the terminal and the SP. Claim 24 requires a SP located between a terminal and a server, and a router located between the terminal and the SP. The Examiner contends that *Akman's* MEGACO NAT functionality in the MEGACO NAT 170 in FIG. 1B corresponds to the claimed SP, *Akman's* media gateway (MG) 130 corresponds to the claimed terminal, and *Akman's* media gateway controller (MGC) 110 corresponds to the claimed server. See advisory action dated March 14, 2010, p. 2. Assuming such is true (and without conceding such), *Akman's* second embodiment fails to teach the above limitations because the SP (MEGACO NAT) in *Akman's* second embodiment is not located between the terminal (MG) and the server (MGC):



Akman, FIG. 1B (modified). As shown above, the SP (MEGACO NAT) in *Akman*'s second embodiment is not located between the terminal (MG) and the server (MGC). The Examiner contends that *Akman*'s col. 4, ll. 1-13 & 42-60 teach that the messages proceed allowing the following path: terminal → Firewall/Router 160 → MEGACO NAT 170 → Firewall/Router 160 → MGC. See advisory action dated March 14, 2010, p. 2. However, the Examiner's position is consistent with the Applicant's position: *Akman*'s messages travel through the MEGACO NAT, which is not located on the path between the MG and the MGC. Thus, *Akman*'s second embodiment fails to teach a SP located between a terminal and a server. As such, *Akman* fails to teach at least one element of independent claim 24, and consequently fails to anticipate claim 24.

Claims 5, 8, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chen* in view of *Akman*. Claim 21 stands rejected under U.S.C. § 103(a) as being unpatentable over *Chen* in view of *Akman* and U.S. Patent 7,574,522 (*Oguchi*). Claims 5, 8, and 21 depend from independent claim 1, claim 14 depends from independent claim 11. Claims 1 and 11 are

allowable over *Chen* for the reasons given above, thus claims 5, 8, 14 and 21 are also allowable over the cited prior art.

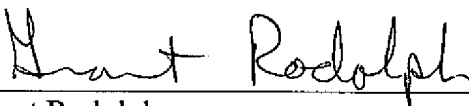
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated December 14, 2009 and the Advisory Action dated February 24, 2010 have been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 3/15/10


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